

REMARKS

The above amendments are submitted along with the following remarks and in conjunction with the concurrently submitted Request for Continued Examination under 37 C.F.R. 1.114 to be fully responsive to the Official Action mailed June 14, 2005 and in light of the Advisory Action mailed November 23, 2005. It is further submitted that this response is timely filed within the shortened-statutory period commencing from such mailing date as extended by the three month request for extension of time filed herewith. Reconsideration of all outstanding grounds of rejection and allowance of the subject application are respectfully requested.

According to the aforementioned Advisory Action, it is noted that Applicant's response filed October 14, 2005 including a submission of Fig. 1 would be entered for purposes of appeal without objection. Entry of Applicant's response is therefore also requested for consideration along with the Request for Continued Examination (RCE) that is filed concurrently with this response. Continued examination is thus requested based upon the application and claims as pending including the amendments and arguments as presented by Applicants in the October 14, 2005 response and the present Amendment.

By this response, independent claims 1, 21 and 34 are amended to emphasize the distinctions of the presently claimed invention, as a method of creating an enclosed space, a method of abatement from preexisting structure, and an enclosure created within preexisting structure, as compared with the prior art of record as relied upon by the Examiner in the final Office Action.

Each of these independent claims now recite the use or provision of a flexible polymeric film as the barrier sheet for creating an enclosure as may be used for creating a controlled environment as set out in claim 1, in abatement of physical material as set out in claim 21, or for isolating and containing physical material as set out in claim 34. Support for this limitation can be found throughout the subject specification, but particularly at page 11, lines 15-21, page 15, lines 11-15 and page 24, lines 9-13. It is submitted that creating an enclosure from a flexible polymeric material as attached with structure of a preexisting space (whether attached to existing or temporary structural elements) is significantly different and of much greater difficulty than using rigid building materials like wall paneling and the like.

Also, claim 1 also now recites that by attaching a flexible film barrier sheet between plural components an opening between them is at least partially covered. Such is discussed

throughout the subject application in using the sheeting to cover door openings and the like as well as other critical openings like outlets, vents, windows and the like for containment of physical material as may be done for abatement purposes or otherwise. A specific example is also discussed as Example 2 within Step 1 on page 29. An opening, as claimed, can be an opening as such exists within preexisting permanent or temporary structure or may be created by extending the barrier film from one surface to another and spanning an open area between them as part of the creation of an enclosed space. Independent claims 21 and 34 now also emphasize the attachment of the barrier film to plural surfaces and from one non-working surface to another in the creation or provision of such an enclosure. It is submitted that these claimed aspects further distinguish the presently claimed invention from the cited prior art of record.

In the final Official Action, the previous prior art rejections of record from the earlier Official Action have been repeated. In this regard, the Examiner has further stated in response to Applicant's response filed 6 April 2005 that arguments presented could not be considered since a drawing was needed to further understand the arguments made. As such, Applicant's arguments are incorporated herein for the Examiner's consideration as Applicants believe the presently pending claims are allowable over the prior art of record for at least those reasons. Applicants note, however, that the section 112, second paragraph rejections of record in the earlier Official Action have been overcome.

As to the prior art rejections of record, it is submitted that presently amended independent claims 1, 21 and 34 are patentably distinct over the prior art for at least the reasons set out below.

Independent claims 1 and 34 are rejected under the Backberg '743 reference as being anticipated. In this regard, the Examiner notes the barrier sheets 10 of Backberg as applied to a structural member by a holding system including adhesive 26 provided along edge and intermediate zones.

In reviewing the Backberg disclosure, the panel 10 comprises a decorative finish layer 14 of wood or the like that is attached to a wall surface by the adhesive 26 on the other side. The panel 10 is adhered to one wall surface by adhesive covering the back surface of the panel. In comparison to the presently claimed method, such a method of paneling a wall cannot be read on claims 1 or 34.

Claim 1 requires the step of attaching a barrier sheet to plural different surface as provided on preexisting structure. As claimed, a barrier sheet is attached to a first surface of a first structural element of the preexisting space and then to a second surface of a second

structural element of the preexisting space while at least partially covering an opening between them (as created or existing). Clearly, such distinguishes from adhering a panel to one surface of one structural element, a wall. Claim 1 requires the attachment to surfaces of plural distinct (first and second) structural elements. As described in the subject specification on page 12, lines 9 - 27, page 13, lines 5 - 10, page 14, lines 21 - 26, in particular, and elsewhere in the subject specification, a barrier sheet is attached along intermediate and edge zones of one major surface to at least one of such plurality of structural components in order to create at least a partial enclosed space. Backberg is completely deficient on this claimed concept. Also, as to presently amended claim 1, Backberg is entirely deficient as to the use of a flexible polymeric film as the barrier sheet and, as such, cannot anticipate claim 1. As such, it is submitted that claim 1 is patentably distinct from the Backberg wall panel.

Claim 34 claims the enclosure as it comprises a working surface and plural non-working surfaces, of which the non-working surface and a non-working surface are provided on first and second structural elements. No such distinct surfaces are described in Backberg, and no enclosure is provided as claimed comprising a flexible polymeric film as a barrier sheet that as attached to plural non-working surfaces together with the working surface provides at least part of an enclosure. Thus, it is also submitted that independent claim 34 is patentably distinct from the Backberg reference.

All claims 1 - 37 are rejected under 35 USC 103 and being obvious over the Griffis '512 reference taken in view of Macormack '743. The Examiner recognizes that the Griffis disclosure is deficient as to any use of adhesive in any way for creating an enclosure out of at least one sheet material. It is also important to note that the Griffis reference, although used as an isolation enclosure for decontamination, is directed to surrounding a ground patch for ground abatement and in no way suggests creating an enclosure within preexisting structure, which preexisting structure includes any surface that can be characterized as a working surface such as for abatement of a physical material. It is understood that this distinguishing point is most relevant to the claimed limitations of independent claims 21 and 34.

The reference to Macormack is relied upon for allegedly disclosing a use of adhesive for attaching barrier sheets to structural elements at end and intermediate zones. However, this is not seen in the Macormack reference, which only teaches the use of an adhesive tape 14 that is used to seal the gap between two adjacent panels 12, as shown in Fig. 3 and described in column 4, lines 47 - 56 and column 5, lines 71 - 74. Macormack discloses nothing more than using a

tape strip adhered to adjacent panel edges to seal the gap between them. How does a disclosure of taping panel edges together provide a teaching to modify the Griffis enclosure to come up with the subject matter of claims 1, 21 and 34? At most, Macormack would teach that the Griffis enclosure could be made up of multiple fabric pieces that can be connected together by tape along adjacent edges. That has nothing to do with how even such fabric pieces are to be attached to structural elements of preexisting structure to create the enclosure. Claim 1 is believed patentably distinct at least in reciting a barrier sheet attached to plural distinct structural elements by an adhesive holding system with edge and intermediate adhesive zones secured to at least one structural element. Claims 21 and 34 further distinguish in the recitation of enclosure features, either by method step or claimed structure, that include working and non-working surfaces as part of an enclosure. Accordingly, independent claims 1, 21 and 34 are believed novel and unobvious over the Griffis and Macormack references alone or in combination with one another.

Accordingly, it is submitted that presently pending claims 1-37 are currently in condition for allowance, a notice of which is earnestly solicited. If the Examiner finds any issue remaining after consideration of this response, the Examiner is invited to contact the undersigned, at the Examiner's convenience, in order to expedite any remaining prosecution.

Respectfully Submitted,

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